

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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ADAMA SOW, DAVID JAKLEVIC, ALEXANDRA DE
MUCHA PINO, OSCAR RIOS, BARBARA ROSS,
MATTHEW BREDDER, SABRINA ZURKUHLIN,
MARIA SALAZAR, DARA PLUCHINO, and SAVITRI
DURKEE, *on behalf of themselves and others similarly
situated*,

Plaintiffs,

- against -

CITY OF NEW YORK; MAYOR BILL DE BLASIO;
NEW YORK CITY POLICE DEPARTMENT
COMMISSIONER DERMOT SHEA; NEW YORK
CITY POLICE DEPARTMENT CHIEF OF
DEPARTMENT TERENCE MONAHAN; NYPD
DETECTIVE EDWARD CARRASCO (SHIELD NO.
1567); NYPD OFFICER TALHA AHMAD (SHIELD
NO. 21358); NYPD OFFICER KEVIN AGRO (SHIELD
NO. 8054); and NYPD OFFICERS JOHN and JANE
DOES # 1- 40,

Defendants.
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No. 21-cv-00533 (CM)(GWG)

DECLARATION OF MILAN MADER

I, Milan Mader, being duly sworn, hereby declare as follows:

1. I am a Senior Project Manager for Rust Consulting, Inc. (“Rust Consulting”). Rust Consulting was appointed as Claims Administrator pursuant to ¶ 50 of the Amended Stipulation of Settlement and Order (the “Stipulation”), (Dkt. No. 176), preliminarily approved by the Court on August 23, 2023.

2. I submit this declaration in order to provide the Court and the parties to the above-captioned litigation with information regarding the notice and claims administrative services performed by Rust Consulting with respect to the Settlement. I am over 21 years of age and am

not a party to this action. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto.

MAILING OF THE DIRECT MAIL NOTICE

3. Rust Consulting received two (2) electronic files from Class Counsel containing the names of Class Members and other relevant information known to the parties, totaling 1,212 Class Members. The files also included their last known mailing address, if available.

4. To prepare for the dissemination of the Claim Packages, Rust Consulting processed the mailing addresses through the National Change of Address (“NCOA”) database, which provides address standardization and address updates, if available.

5. Rust Consulting translated the Class Notice and Claim Form (together the “Claim Package”) into Spanish. Pursuant to ¶ 51 of the Stipulation, on September 11, 2023, both versions of the Claim Package were sent to 1,194 Class Members who were then known to the Parties using each Class Member’s last known address. Eighteen (18) records were excluded from the mailing due to missing mailing address information.

6. Rust Consulting assigned a unique Claimant ID number to each Class Member, which was included in their mailed Claim Package. Each Class Member was required to use his or her unique Claimant ID to file a Claim Form online or by mail, in order to prevent potential fraudulent claims, including unauthorized submissions of Claim Forms on behalf of actual Class Members. Claimants provided their name, current mailing address, Social Security number, email address and phone number.

7. Rust Consulting leased and maintained a Post Office Box (PO Box 2599, Faribault, MN 55021-9599) for the receipt of all undeliverable mail, written communications necessary to implement the Settlement and the distribution of funds.

8. As of January 28, 2024, 336 Claim Packages were returned as undeliverable without a forwarding address. Of these, Rust Consulting was able to locate 210 new addresses (approximately 62.5%), through an information supplier to which Rust Consulting subscribes. Claim Packages were promptly mailed to the Class Members at the updated addresses if an online Claim Form was not submitted.

PUBLICATION NOTICE

9. To notify Class Members who were not on the initial lists of identified Class Members provided by Class Counsel, Rust Consulting placed advertisements of the Class Notice Summary in *The Daily News*, *The New York Amsterdam News* and *El Diario*, which were run in English and Spanish, respectively, three times within the same three-week period beginning on September 14, 2023.

WEBSITE

10. Rust Consulting also launched a website (www.NYC2020ProtestSettlement.com) that described the proposed Settlement. The website includes the ability to view and download the Stipulation, Class Notice (in both English and Spanish), Protest Area Map, Long Form Notice and Court Order Extending Bar Date. The website also provides answers to frequently asked questions about the Settlement and allowed Class Members to submit their Claim Form using their unique Claimant ID number. There was also information detailing how people could identify themselves as members of the Settlement Class, submit supporting documentation, and request a Claimant ID number to submit a Claim Form. The website was published in both English and Spanish.

11. The website went “live” on September 11, 2023. As of January 28, 2024, Rust Consulting has received 25,215 visits to the website.

ADDITIONAL CLASS MEMBERS

12. Requests for participation in the Settlement were received by email from others not on the initial class lists. Requests to be part of the Settlement Class that were not mailed a Claim Package, described above in ¶ 36 of the Stipulation, were reviewed by Class Counsel and Counsel for Defendants. An additional 54 Class Members were identified through this process. Rust Consulting created a Claimant ID number for each approved request, which was sent to the Class Member by email to use in filing a Claim Form.

REQUESTS FOR EXCLUSION AND OBJECTIONS

13. Pursuant to ¶ 72 of the Stipulation, requests to opt out of the Settlement Class are required to be mailed to the Claims Administrator, postmarked no later than January 22, 2024. As of January 28, 2024, Rust Consulting has received three (3) requests to opt out of the Settlement Class. None of the exclusion requests submitted a Claim Form.

14. Pursuant to the Class Notices, objections are required to be postmarked or delivered to the Clerk of the Court, United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007. Copies of all such papers must be mailed and postmarked by the same date to the Claims Administrator at: Sow v. City of New York Settlement, PO Box 2599, Faribault, MN 55021-9599 no later than January 22, 2024. As part of its standard procedures, Rust Consulting personnel examine all mail received to search for, among other things, requests for opt outs and objections. As of January 28, 2024, Rust Consulting has received no objections.

CLAIMS PROCESS

15. As of February 5, 2024, Rust Consulting received a total of 987 Claim Forms out of the 1,248 eligible class members (a 79% response rate).

16. As of January 28, 2024, Rust Consulting received a list of 30 people from Class Counsel and Counsel for Defendants whom the City of New York Comptroller's Office determined had already settled their claims related to this matter and were to be excluded from the Settlement as a result. Rust Consulting cross-referenced the 987 submitted Claim Forms against the list provided and identified 29 matches—*i.e.*, 29 people who had previously settled claims but also submitted Claim Forms. Rust Consulting informed Class Counsel and Counsel for Defendants of their findings, who instructed Rust Consulting to exclude them from the Settlement Class, pursuant to ¶ 33 of the Stipulation. Rust Consulting will send a notice by email and mail to the 29 matches regarding their ineligibility.

17. Factoring in these 29 exclusions, Rust Consulting has received 958 valid Claim Forms as of January 28, 2024. As a result, we anticipate the payout to the Class Members to be approximately \$9,532,100.00, minus any liens owed to HRA or DOF.

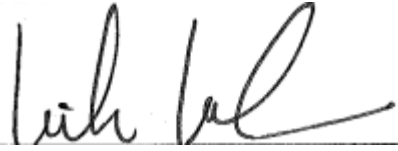
ADDITIONAL INFORMATION

18. Class Members occasionally informed Class Counsel that their contact information changed. Class Counsel regularly relayed this information to Rust Consulting, and we updated our records so that each Class Member's contact information was kept up to date.

19. Rust Consulting provided weekly summaries to Class Counsel and Counsel for Defendants about the number of Claim Forms received in the prior week as well as updated lists of Class Members. Rust Consulting maintained regular communication with these parties throughout the claims process and regularly responded to requests and follow-up questions.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed in Minneapolis, Minnesota this 7th day of February, 2024.

A handwritten signature in black ink, appearing to read "Milan Mader", written over a horizontal line.

Milan Mader